

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GUO QIANG XU

Plaintiff

- v -

UMI SUSHI, INC. dba UMI SUSHI
RESTAURANT, LUO KUN, ZHENG,
"JOHN DOE" ZHENG and AMY "DOE"

Defendants:

CIVIL ACTION NO.
15CV-4710

PLAINTIFF'S COUNSEL MINHUI
YE'S RESPONSE TO THE COURT'S
ORDER TO SHOW CAUSE

In the response to the Court's March 15, 2016 Order to Show Cause re: Why the undersigned should not be sanctioned for the failure to comply with the Court's February 26 Order and failure to appear at the March 14, 2016 conference, Plaintiff's counsel Minhui Ye submits the following:

1. In or around the beginning of June 2015, I was referred to plaintiff Mr. Guo Qiang Xu through Mr. Robert E. Porges. Upon Mr. Xu's request I filed a Compliant under the Fair Labor Standards Act on behalf of him on June 19, 2015. I also represented him at the initial conference held by the Court on September 8, 2015.
2. In late October 2015 I stopped private legal practice due to personal reasons and I informed plaintiff so he could find a new counsel to replace me.
3. I did not follow up on this matter after as I was informed that he had found a new attorney to represent him. It was my fault that I should have withdrawn from the case at that time.
4. I was not aware of February 26, 2016 the Court Order for the reason stated above that I did not follow up on this matter. Therefore I did not file a response to a pre-motion letter within three business days.

5. For the same reason I was not aware of March 14, 2016 a scheduled post-discovery conference held by the Court until I received a telephone call from the Court at 9:32 A.M. that morning. I contacted Mr. Porges immediately to find out what was going on. I was informed that there was an attorney went for the conference on behalf of plaintiff. I did return the phone call to the Court at 9:41 A.M. but there was no answer.
6. I was a solo practitioner and worked at my home office. For this matter I used REP Law Associates and its contact information for the purpose of using its address to meet the plaintiff instead of at my home. I am not, and was not an employee of REP Law Associates.
7. Per Court March 15, 2016 Order, I have obtained plaintiff's consent and filed Motion to Leave to Withdraw as Counsel to the Court on March 23, 2016.
8. The failure to comply the Court's February 26 Order and to appear on March 14 conference were due to a misunderstanding on Plaintiff's counsel's part. It was unintentional or careless and I believed the client had other representation. The undersigned was unaware until the Order to Show Cause was entered. The undersigned diligently communicated to the plaintiff by obtaining his consent for withdraw as his counsel and filed the Motion to Withdraw as Plaintiff's Counsel.

Dated this 25th day of March, 2016

/s/ Minhui Ye

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